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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/557,580	03/24/2006	Hisanori Akiyama	125973	9054
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EXAMINER				
MINSKEY, JACOB T				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/557,580

**Applicant(s)**

AKIYAMA, HISANORI

**Examiner**

JACOB T. MINSKEY

**Art Unit**

4151

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 2 and 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/08)
- Paper No(s)/Mail Date 11/21/2005

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because it is presented in two paragraphs. Correction is required. See MPEP § 608.01(b).
2. The disclosure is objected to because of the following informalities: the specification should supply all information needed, and not reference the claims. This is seen on pages 7 of the instant specification lines 3 and 15.
3. There are a number of minor grammar errors as well. One example is on page 9, where lines 2-13 consist of two paragraphs but only one sentence. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Objections***

4. Claim 2 is objected to because of the following informalities: While the claim is understandable, minor clarifications are requested. The second line of claim 2 includes "of which both the surface." The examiner requests that either "both" is removed or "surface" is pluralized. Appropriate correction is required.
5. Claim 4 is objected to because of the following informalities: In the amended claims provided on 01/18/2007, Claim 4 is stated as "Original" and not amended, but the final section has been omitted. Due to applicants "original" statement, the examiner is presuming that the claim is unchanged and will examine the following section at the end of the claim: --Wherein the curved surface formation is performed to both the surfaces

of the lens blank selected by the selection--. The applicant is required to adjust the claims, and appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyazawa et al, US patent publication 2002/0160690 A1.

8. Regarding claim 1, Miyazawa et al teach:

A spectacle lens manufacturing method [0033] manufacturing a spectacle lens based on order information ([0034] and [0037-0038]) including spectacle frame information, a prescription value, and layout information, comprising the steps of: forming a lens member to obtain the lens member by forming a curved surface shape satisfying an optical specification of the spectacle lens related to an order [0037,0042] on a plastic material [0014]; and edging to process the lens member to be shaped into an edge shape of the spectacle lens related to the order (chamfering, [0042]); wherein said lens member forming step is to form a curved surface shape on the plastic material so that a geometric center of the edge shape positions at a processing center or geometric center of the plastic material (figure 5 item L1, and [0054,0082]).

9. Regarding claim 2, Miyazawa remains as applied in claim 1 and further teach that the lens member forming step uses a lens blank (semi-finished lens, [0044]) of

which both the surface have not yet processed to the curved surface shape satisfying the optical specification of the spectacle lens related to the order [0044] but processed to a predetermined surface shape as the plastic material of a processing target, and is able to process the spectacle lens related to the order appropriately out of a plurality of lens blanks manufactured and prepared in advance [0044-0045], and wherein the lens blank having an outside diameter at least larger than a maximum distance between a frame center and a frame of the spectacle frame related to the order and having the smallest outside diameter as well ("the semi-finished lens, therefore has a thickness relatively larger than a finish thickness" [0044]) is selected and processed so that the spectacle lens related to the order is manufactured (optimum semi-finished lens to be machined is selected from the stock [0045]).

10. Regarding claim 3, Miyazawa remains as applied in claim 1 and further teach that said lens member forming step uses a numerical-control curve generator [0052] generating the curved surface shape of a processing target by controlling distances from a cutting blade to the plastic material (X, Y, and Z- axis positioning means [0052]) and a rotation axis (figure 2, item 213 [0052]), respectively, in accordance with the curved surface shape of a formation target while rotating the plastic material around the rotation axis passing through a specific point of the curved surface of the processing target (center coordinate and normal line, [0052-0054]), and wherein the plastic material is arranged so that the center thereof being a geometric center (MC [0083]) of an edge shape of the spectacle lens comes above the rotation axis (figures 5 and 6, [0082-0083]), a calculation is made to obtain a tilt angle (angle [0083]) in a case where a

reference surface of the plastic material is tilted at a predetermined angle with respect to a case where the processing is performed on assumption that an optical center or a lens vertex positions above the rotation axis, and a processing is performed by tilting the reference surface of the plastic material beforehand to offset the tilted angle [0083].

11. Regarding claim 4, Miyazawa teaches:

A spectacle lens manufacturing system [0033], comprising:

an order placement-side computer (online terminal, [0037]) processing and transmitting information required to order a spectacle lens including frame shape information [0037]; a manufacturing-side computer (calculating computer [0043]) acquiring information required to manufacture the spectacle lens-related to the order by receiving the information transmitted by the order placement-side computer [0043 and 0045]; and a spectacle lens manufacturing device manufacturing the spectacle lens-related to the order that is processed to have a shape settable in a frame by performing processes including formations of a curved surface and edge shape on a plastic material based on the information acquired by the manufacturing-side computer [0049];

wherein said spectacle lens manufacturing device uses, as the plastic material of a processing target [0014], a lens blank being a partly finished product of which both surfaces are not yet processed to have a curved surface satisfying an ultimate optical specification but have a predetermined surface shape (semi-finished lens [0043-0044]), wherein a processing center of the lens blank matches with a frame center of the edge shape to be processed [0052-0054],

wherein said spectacle lens manufacturing device selects, out of plural lens blank

(stocked semi-finished lenses [0045]) of different outside diameters and/or lens thicknesses prepared in advance [0044-0045], the lens blank having the outside diameter and/or lens thickness size(s) allowing an appropriate processing for the spectacle lens-related to the order [0044-0045],

wherein the selection of the outside diameter of the lens blank is conducted by specifying based on a distance from a frame center to a frame and the spectacle lens-related to the order is manufactured by processing the selected lens blank [0044-0045], and wherein the curved surface formation is performed to both the surfaces of the lens blank selected by the selection [0035].

12. Regarding claim 5, Miyazawa remains as applied in claim 2 and further teach that said lens member forming step uses a numerical-control curve generator [0052] generating the curved surface shape of a processing target by controlling distances from a cutting blade to the plastic material (X, Y, and Z- axis positioning means [0052]) and a rotation axis (figure 2, item 213 [0052]), respectively, in accordance with the curved surface shape of a formation target while rotating the plastic material around the rotation axis passing through a specific point of the curved surface of the processing target (center coordinate and normal line, [0052-0054]), and wherein the plastic material is arranged so that the center thereof being a geometric center (MC [0083]) of an edge shape of the spectacle lens comes above the rotation axis (figures 5 and 6, [0082-0083]), a calculation is made to obtain a tilt angle (angle [0083]) in a case where a reference surface of the plastic material is tilted at a predetermined angle with respect to a case where the processing is performed on assumption that an optical center or a

lens vertex positions above the rotation axis, and a processing is performed by tilting the reference surface of the plastic material beforehand to offset the tilted angle [0083].

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
14. JP 2001-62689 A (already of record), to Toshiaki, Mizuno teaches a lens cutting apparatus that utilizes numerical controls.
15. JP 2002-160149 A (already of record) to Masamitsu et al teaches a system to transmit lens data from a store to a manufacturing computer for production, and numerical-controlled machines to produce said lens.
16. USP 5,210,695 to Wood teaches a method and apparatus for creating eyeglass lens based on prescription and frame data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JACOB T. MINSKEY whose telephone number is (571)270-7003. The examiner can normally be reached on Monday to Friday 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Ortiz can be reached on 571-272-1206. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTM

***/Angela Ortiz/  
Supervisory Patent Examiner, Art Unit 4151***